

State of Illinois 91st General Assembly Final Senate Journal

2154

JOURNAL OF THE

[Apr. 28, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

36TH LEGISLATIVE DAY

WEDNESDAY, APRIL 28, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Michael Deutsh, First Baptist Church, Ashland, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journals of Monday, April 26, 1999 and Tuesday, April 27, 1999 be postponed pending arrival of the printed Journals.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 1863
Senate Amendment No. 1 to House Bill 2008
Senate Amendment No. 1 to House Bill 2166
Senate Amendment No. 1 to House Bill 2218

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 12

A bill for AN ACT to amend the Public Water District Act by changing Section 26.

SENATE BILL NO 17

SENATE

2155

A bill for AN ACT to amend the School Code by changing Section 2-3.12a.

SENATE BILL NO 30

A bill for AN ACT concerning respiratory care practitioners.

SENATE BILL NO 44

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 12-4.11.

SENATE BILL NO 105

A bill for AN ACT in relation to anhydrous ammonia.

SENATE BILL NO 175

A bill for AN ACT to amend the School Code by changing Section 18-8.05.

SENATE BILL NO 330

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

SENATE BILL NO 378

A bill for AN ACT relating to the regulations of certain financial businesses, amending named Acts.

SENATE BILL NO 404

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 11-9 and 26-1.

SENATE BILL NO 624

A bill for AN ACT to amend the State Finance Act by changing Section 6z-27.

SENATE BILL NO 678

A bill for AN ACT to amend the Grain Code by changing Sections 1-10, 1-15, 5-30, 10-10, 10-15, 10-25, 25-10, 25-20, and 30-5.

SENATE BILL NO 943

A bill for AN ACT concerning sex offenses.

Passed the House, April 27, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 99

A bill for AN ACT to amend the Metropolitan Water Reclamation District Act by changing Section 8c.

SENATE BILL NO 116

A bill for AN ACT to amend the Illinois Uniform Transfers to Minors Act by changing Sections 2 and 15.

SENATE BILL NO 127

A bill for AN ACT concerning professional engineers.

SENATE BILL NO 176

A bill for AN ACT in relation to bond fees.

SENATE BILL NO 257

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 2-202.

SENATE BILL NO 319

A bill for AN ACT regarding health insurance for children.

SENATE BILL NO 396

A bill for AN ACT to amend the Sex Offender Management Board Act by changing Section 15.

SENATE BILL NO 400

A bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Sections 5-615, 5-710, 5-715.

SENATE BILL NO 461

A bill for AN ACT to amend the Illinois Savings and Loan Act of

2156

JOURNAL OF THE

[Apr. 28, 1999]

1985 by changing Section 4-6.

SENATE BILL NO 475

A bill for AN ACT to amend the School Code by changing Section 5-1.

SENATE BILL NO 481

A bill for AN ACT to amend the Consumer Fraud and Deceptive Business Practices Act by changing Section 10a.

SENATE BILL NO 527

A bill for AN ACT to amend the Lawn Care Products Application and Notice Act by changing Section 3.

SENATE BILL NO 643

A bill for AN ACT to amend the Unified Code of Corrections by changing Sections 5-5-6 and 5-6-2.

Passed the House, April 27, 1999.

ANTHONY D. ROSSI, Clerk of the House

REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **House Bills numbered 2112, 2784 and 2826** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **House Bills numbered 1825 and 2605** reported the same back with amendments having been adopted thereto,

with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Rauschenberger, Chairperson of the Committee on Appropriations to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 580**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **House Bills numbered 420, 506, 1353, 1522, 1645 and 1811** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **House Bills numbered 2013, 2020 and 2733** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bills numbered 1163, 1318, 2023 and 2771** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bills numbered 92 and 1893** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

SENATE

2157

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 41, 70, 76, 252, 343, 404, 421, 466, 669, 729, 753, 810, 854, 1097, 1177, 1180, 1182, 1432, 1570, 1764, 1771, 1858, 1863, 1935, 1964, 2096, 2257, 2306, 2347, 2349 and 2360** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 376, 377, 424, 448, 731, 1164, 1193, 1413, 1759, 2310, 2708, 2711 and 2748** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **House Bills numbered 809, 1102, 1252, 1739, 1874, 2355 and 2823** reported the same back with the recommendation that the

bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **House Bills numbered 1676 and 1972** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 30** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution 30** was placed on the Secretary's Desk.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to House Bill No. 2630**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to House Bill No. 2792**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 97

Offered by Senator Sullivan and all Senators:
Mourns the death of Bridget L. Hogan of Chicago.

SENATE RESOLUTION NO. 98

Offered by Senator Sullivan and all Senators:
Mourns the death of Catherine N. Cottrell of Chicago.

2158

JOURNAL OF THE

[Apr. 28, 1999]

SENATE RESOLUTION NO. 99

Offered by Senator Link and all Senators:
Mourns the death of Adrienne Kilbane.

SENATE RESOLUTION NO. 100

Offered by Senator Viverito and all Senators:
Mourns the death of Richard A. Peldzus.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Hendon offered the following Senate Resolution, which was

referred to the Committee on Rules:

SENATE RESOLUTION NO. 101

WHEREAS, NATO warplanes and missiles recently struck Yugoslavia, pummeling army barracks, power plants, and air defense batteries in an effort to force the country's defiant leader to cease his onslaught against Kosovo's Albanians; and

WHEREAS, The military forces of the United States in conjunction with their coalition allies have joined forces to make these strikes against the Serbians; and

WHEREAS, We are in support of all of our fighting men and women for the sacrifices they have made so that the Albanians can obtain their freedom; and

WHEREAS, To these brave service men and women, who are committed to fighting and perhaps dying for us, we owe the preservation of our freedom; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the war effort in Kosovo and the NATO forces that are fighting there; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Secretary of Defense of the United States of America.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 1401, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1590, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1781, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1963, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2787, sponsored by Senator Bomke was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Lauzen, **House Bill No. 240** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **House Bill No. 427** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 427 on page 5, line 2, by changing "of Public Health" to "on Aging"; and
on page 5, line 3, by changing "Public Health" to "Aging"; and
on page 7 by replacing lines 7 through 9 with the following:
"representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form."; and
on page 9 by replacing lines 30 through 32 with the following:
"include, at a minimum, compliance with the residential board and care occupancies chapter of the National Fire Protection Association's Life Safety Code, local and State building codes for the building"; and
on page 23, line 28, by changing "(12)" to "(15)"; and
on page 24 by replacing lines 17 through 20 with the following:
"(h) For the purposes of items (7) through (11) of subsection (c), a licensed health care professional may not be employed by the establishment. An agency or entity employing licensed health care professionals that has common ownership with an establishment shall not exclusively market services to that establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider."; and
on page 25 by replacing line 30 with the following:
"emergency situations as defined in Section 10 of this Act, the requirements of this subsection may"; and
on page 33 by replacing line 16 with the following:
"Public Health, Public Aid, and Human Services,"; and
on page 36 by replacing line 21 with the following:
"subsections (b) through (g) of Section 75 of this Act.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 525** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 555** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 675** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 727** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 841** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **House Bill No. 843** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 845** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1. Amend House Bill 845 on page 2, by replacing lines 9 and 10 with "published in the district or, if there is no newspaper published in the district, in a newspaper published in the county and having general circulation in such district.~~—or~~ If no such newspaper is published in the district or county ~~therein~~, by"; and on page 2, by replacing lines 24 and 25 with "publication in a daily or weekly newspaper published in the district or, if there is no newspaper published in the district, in a newspaper published in the county and having general circulation in the district, and the board may reject"; and on page 5, by replacing lines 12 and 13 with "at least once in one or more newspapers published within the sanitary district or, if there is no newspaper published in the district, in a newspaper published in the county and having general circulation in the district. After".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 895** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 1113** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1113 on page 9, by replacing lines 10 through 33 with the following:

"Section 5-10. Exempt communications.

(a) The following communications are exempt from the provisions of this Act:

(1) Any stockholder communication such as an annual report or interim financial report, proxy material, a registration statement, a securities prospectus, a registration, a property report, or other material required to be delivered to a prospective purchaser by an agency of any state or the federal government.

(2) Any oral or written statement disseminated by a developer to broadcast or print media, other than paid advertising or promotional material, regarding plans for the acquisition or development of timeshare property. However, any rebroadcast or any other dissemination of such oral statements to a prospective purchaser by a seller in any manner, or any distribution of copies of newspaper magazine articles or press releases, or any other dissemination of such written statements to a prospective purchaser by a seller in any manner, shall constitute an advertisement.

(3) Any advertisement or promotion in any medium to the general public if such advertisement or promotion clearly states

that it is not an offer in any jurisdiction in which any applicable registration requirements have not been fully satisfied.

(4) Any audio, written, or visual publication or material relating to the availability of any accommodations for transient rental, so long as a sales presentation is not a term or condition of the availability of such accommodations and so long as the failure of any transient renter to take a tour of a timeshare property or attend a sales presentation does not result in any reduction in the level of services which would otherwise

SENATE

2161

be available to such transient renter.

(b) The following communications are exempt from the provisions of this Act, provided they are delivered to any person who has previously executed a contract for the purchase of or is an existing owner of a timeshare interest in a timeshare plan:

(1) Any communication addressed to and relating to the account of any person who has previously executed a contract for the sale or purchase of a timeshare period in a timeshare plan to which the communication relates.

(2) Any audio, written, or visual publication or material relating to an exchange company or exchange program provided to an existing member of that exchange company or exchange program.

(3) Any communication by a developer to encourage a person who has previously acquired a timeshare interest from the developer to acquire additional use or occupancy rights or benefits, or additional timeshare interests, offered by the same developer."; and

on page 10, by deleting lines 1 through 24; and

on page 36, by replacing lines 24 through 26 with the following:

"Any purchase contract entered into by a purchaser of a time share interest under this Act shall be voidable by the purchaser, without"; and

on page 37, line 10, by replacing "any party" with "a purchaser"; and

on page 37, line 11, by replacing "that party" with "the purchaser"; and

on page 37, line 14, by replacing "other party" with "developer or resale agent, as applicable,"; and

on page 39, line 16, by replacing "1983." with "1983, or its successor Act and the rules adopted pursuant to that Act.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 1151** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 1308** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 1469** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 1565** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 1678** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 1732** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1732 on page 1, by replacing lines 9 and 10 with the following:

"procedures to allow community providers and schools to assist in enrolling children in the Program."

There being no further amendments, the bill, as amended, was ordered to a third reading.

2162

JOURNAL OF THE

[Apr. 28, 1999]

On motion of Senator Syverson, **House Bill No. 1832** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Smith, **House Bill No. 1839** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1839, on page 2, lines 28 and 29, by deleting "or an employee of a foster family home"; and on page 2, lines 30 and 31, by replacing "Department of Family Services" with "Department of Children and Family Services".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 1942** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1960** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 2026** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 2216** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **House Bill No. 2217** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2217 as follows:
by replacing the title with the following:

"AN ACT to amend the Illinois Public Aid Code by changing Section 9A-11."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

- (1) recipients of TANF under Article IV participating in

SENATE

2163

work and training activities as specified in the personal plan for employment and self-sufficiency;

- (2) families transitioning from TANF to work;
- (3) families at risk of becoming recipients of TANF;
- (4) families with special needs as defined by rule; and
- (5) working families with very low incomes as defined by

rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule. In determining income eligibility for child care benefits, the Department shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code. The Department shall allocate \$7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to

participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program. It is the intent of the General Assembly that, for fiscal year 1998, to the extent resources permit, the Department shall establish an income eligibility threshold of 50% of the State median income. Notwithstanding the income level at which families become eligible to receive child care assistance, any family that is already receiving child care assistance on the effective date of this amendatory Act of 1997 shall remain eligible for assistance for fiscal year 1998. Nothing in this Section shall be construed as conferring entitlement status to eligible families. The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply. The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

- (1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;
- (2) a licensed child care home or home exempt from licensing;
- (3) a licensed group child care home;
- (4) other types of child care, including child care provided by relatives or persons living in the same home as the

child, as determined by the Illinois Department by rule.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care.

(e) The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

- (1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- (2) arranging with other agencies and community volunteer

groups for non-reimbursed child care;

(3) (blank); or

(4) adopting such other arrangements as the Department determines appropriate.

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule. (Source: P.A. 90-17, eff. 7-1-97.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 2256** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **House Bill No. 2283** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2283 on page 3, by replacing lines 7 through 23 with the following:

"Section 20. Appointment of commissioners; vacancy.

(a) Within 90 days after the effective date of this Act, the Governor shall appoint one commissioner to the Mid-America Port Commission created by agreement between Illinois, Missouri, and Iowa. This commissioner must be appointed from among those members of the Mid-America Intermodal Authority Port District Board that were appointed by the Governor.

(b) Within 90 days after the effective date of this Act, the Mid-America Intermodal Authority Port District Board, from its members, shall appoint 2 commissioners to the Mid-America Port Commission.

SENATE

2165

(c) Commissioners must be members of the Mid-America Intermodal Authority Port District Board. If a commissioner ceases to be a member of the Mid-America Intermodal Authority Port District Board, there shall be vacancy in the office of commissioner.

(d) A vacancy in the office of commissioner shall be filled by appointment of the Governor, in the case of a vacancy in the office

of commissioner appointed by the Governor, or by the Mid-America Intermodal Authority Port District Board, in the case of a vacancy in the office of commissioner appointed by the Mid-America Intermodal Authority Port District Board."; and

on page 4, by inserting below line 1 the following:

"Section 27. Commissioners; compensation. The commissioners shall serve without compensation but shall be entitled to be reimbursed for their necessary expenses incurred in the performance of their duties.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 2298** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 2308** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2308 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Hospital District Law is amended by changing Section 10 as follows:

(70 ILCS 910/10) (from Ch. 23, par. 1260)

Sec. 10. Petitions for annexation; petitions to detach previously annexed territory. A petition for annexation of land to a Hospital District shall be signed by not less than 10% or 50 voters, whichever is fewer, residing within the territory therein described proposed for annexation and shall be filed with the circuit clerk of the county in which the District or the greater portion thereof is situated, and shall be addressed to the circuit court. A hearing shall be held thereon as nearly as possible as in the case of a formation petition. If upon the hearing, the court finds that the petition is sufficient it shall certify the proposition to the proper election officials, who shall submit the question to the voters at an election in accordance with the general election law. The proposition shall be substantially in the following form:

Shall (description of territory)	YES
be annexed to the.... Hospital	-----
District?	NO

If a majority of the votes cast on the proposition in the District and in the territory described in the petition respectively, are in favor of annexation the court shall by order declare the territory annexed and shall describe the altered boundaries of the District.

In addition to the above, within 60 days after the entry of an order by a court under Section 8 of this Act evidencing the organization of a Hospital District, not less than 50% of the legal voters residing within any municipality or any civil township (or congressional township in counties under commission form of government) or such fractional part of either type of township as is

included within such District may file a petition for the detachment of such territory with the circuit clerk of the county in which the District or the greater portion thereof is situated addressed to the circuit court for such county; provided, that such detachment is not permissible if it will destroy the contiguity of the territory of the District. In the case of a hospital district created prior to September 15, 1950 with territory located partially within two different counties, where less than 10% of the population of the district is located in one county, the legal voters residing in that part of the hospital district located within the county representing less than 10% of the population of said hospital district may file a petition for detachment at any time. A hearing shall be held thereon as nearly as possible as in the case of a formation petition. If upon the hearing, the court finds that the petition is sufficient it shall certify the proposition to the proper election officials, who shall submit the question to the voters at an election in accordance with the general election law. The proposition shall be substantially in the following form:

Shall the (described) territory	YES
be detached from the.... Hospital	-----
District?	NO

If a majority of the votes cast on the proposition are in favor of detachment of the territory, the court shall by order declare the territory detached and shall describe the altered boundaries of the District.

If territory is disconnected from a district, the property owners in such territory are still responsible for the proportionate debt of any outstanding bonded indebtedness at the time of disconnection.

Also in addition, within 24 months after the effective date of this amendatory Act of the 91st General Assembly, the legal voters residing within a hospital district may file a petition for detachment from the hospital district where (i) the territory sought to be detached was added to the hospital district by way of annexation; and (ii) the equalized assessed valuation of the territory sought to be detached constitutes less than 25% of the equalized assessed valuation of the hospital district. The petition must be signed by not less than 5% of the legal voters of the territory sought to be detached. Detachment is not permissible if it would destroy the contiguity of the territory of the District. A hearing shall be held on the petition as nearly as possible as in the case of a formation petition. If upon the hearing, the court finds that the petition is sufficient, it shall certify the proposition to the proper election officials, who shall submit the question to the legal voters of the territory proposed to be detached at an election in accordance with the general election law. The proposition shall be substantially in the following form:

<u>Shall the (described) territory</u>	<u>YES</u>
<u>be detached from the.... Hospital</u>	<u>-----</u>
<u>District?</u>	<u>NO</u>

If a majority of the votes cast on the proposition are in favor

of detachment of the territory, the court shall by order declare the territory detached and shall describe the altered boundaries of the District.

If territory is disconnected from a district, the property owners in that territory are still responsible for the proportionate debt of any outstanding bonded indebtedness at the time of disconnection.

(Source: P.A. 81-1550.)

SENATE

2167

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2518** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2518 by deleting lines 11 and 12 and inserting in lieu thereof the following:

"Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2519** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2519 by deleting lines 11 and 12 and inserting in lieu thereof the following:

"Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 2630** having been printed, was taken up and read by title a second time.

Senator Fawell offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2630, on page 2 in line 3 by removing the underscored and restoring the stricken language, and by replacing lines 5 and 6 with the following:

"subsequent time, ~~within 5 years of any prior convictions under this Section,~~ shall be guilty of a Class 3 4 felony."

AMENDMENT NO. 1. Amend House Bill 2630, on page 2 in line 3 by removing the underscored and restoring the stricken language, and by replacing lines 5 and 6 with the following:
"subsequent time, ~~within 5 years of any prior convictions under this Section,~~ shall be guilty of a Class 3 4 felony."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 2676** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2793** having been printed, was taken up and read by title a second time.

2168

JOURNAL OF THE

[Apr. 28, 1999]

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2793, by deleting lines 10 and 11 and inserting in lieu thereof the following:

"Section 99. Effective date. This Act takes effect July 1, 1999.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2794** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2794, by deleting lines 10 and 11 and inserting in lieu thereof the following:

"Section 99. Effective date. This Act takes effect July 1, 1999.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 133** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 133 on page 1, below line 10, by inserting the following:

"Section 99. Effective date. This Act takes effect on January 1, 2000.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, **House Bill No. 721** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 541** was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:44 o'clock p.m., Senator Geo-Karis presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 102

Offered by Senator E. Jones and all Senators:
Mourns the death of Kenneth Tyler of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM RULES COMMITTEE

SENATE

2169

Senator Weaver, Chairperson of the Committee on Rules, reported that the Committee recommends that **House Bill No. 215** be re-referred from the Committee on Judiciary to the Committee on Rules.

Senator Weaver, Chairperson of the Committee on Rules, reported that the Committee recommends that **House Bill No. 668** be re-referred from the Committee on Local Government to the Committee on Rules.

Senator Weaver, Chairperson of the Committee on Rules, during its April 28, 1999 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **House Bills numbered 658, 1234, 1959 and 2255.**

Executive: **House Bills numbered 470, 1176 and 1966.**

Judiciary: **House Bills numbered 734, 1817, 2272, 2844 and 2845.**

Licensed Activities: **House Bill No. 1805.**

Local Government: **House Bill No. 2044.**

Revenue: **House Bill No. 668.**

State Government Operations: **House Bills numbered 63 and 2492.**

Senator Karpel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

At the hour of 12:52 o'clock p.m., on motion of Senator Syverson, the Senate stood adjourned until Thursday, April 29, 1999 at 11:00

o'clock a.m.